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Kids don't belong in old-folks homes

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They're children. They don't belong in geriatric institutions.

They're medically fragile kids who with nursing assistance could be cared for, and even thrive, in family homes or in the state's network of medical care foster homes. Instead, Florida keeps them in nursing homes designed for the elderly.

It's certainly unconscionable; probably illegal. Two lawsuits filed in federal court in Fort Lauderdale last week lay out a strong legal case that the Florida Agency for Health Care Administration has been flouting both the federal Americans with Disabilities Act and state law by warehousing disabled kids in old-folk nursing homes.

The lawsuit, brought by Paolo G. Annino, director of the Health Care Access Project at the Florida State University law school, Miami disability rights attorney Matthew W. Dietz, and the North Florida Center for Equal Justice, charges that Florida has unnecessarily institutionalized some 300 medically fragile children.

A second, companion lawsuit holds that the state is simultaneously attempting to force another 5,000 medically fragile children, now living at home with Medicaid-funded medical assistance, into institutions. Dietz said the lawsuit was filed "to prevent the State of Florida from pressuring parents to place their children in more expensive nursing homes by reducing or eliminating home health care options."

Dietz issued a statement last week saying, "Geriatric nursing homes were never intended to serve children. The assessment and care plans that have been administered are standardized for people over sixty-five," he said. "Monitoring systems are inappropriate and have been designed to accommodate for individuals over sixty five years old and staffing regulations are not designed for the needs of these children."

But the crazy thing about this inhumane and probably illegal practice is that nursing home care for these children likely costs more than in-home health care. Not only are the kids better off with in-home nursing, Annino said Friday that he expects the state records, drawn out through discovery, will show that home-based services would save Florida money.

So why would the Florida Agency for Health Care Administration opt for a legally suspect, more costly mode of care? The reason's crass, but most of you, accustomed to a regime bent on giving over education, health care, corrections, transportation and other state government responsibilities to special interests, won't be shocked.

Last month, the Pompano Beach-based Florida Association for Medically Fragile Children issued

a white paper (http://www.fragilechildren.org/documents/FAMFC_White_Paper.pdf) charging, "The number of older men and women in nursing homes in Florida is decreasing. So owners of geriatric facilities are now competing to take fragile children in order to remain profitable, without regard to their special needs."

The association report talked about the nursing home industry scrambling to fill beds emptied, in part, by the reluctance of aging baby boomers to live out their final years in institutions and (ironically) "Florida Medicaid's money-saving programs that attempt to keep patients out of nursing homes by helping pay for care at home or in less costly settings."

The report stated, "With their eye on their shrinking bottom lines, geriatric facilities are lobbying to fill their empty beds with medically fragile children and young adults. But they are not equipped to do so. Even worse, they are lobbying to provide reduced levels of care."

Zurale Cali, the mother of a five-year-old son who was severely disabled after a near-drowning accident, joined the lawsuit, asking for a permanent injunction against the state Health Care Administration, out of a nearly desperate need to spring her child from a Tampa nursing home.

Cali lives in a house in Spring Hill with a special room rebuilt to accommodate her son, his ventilator and a feeding mechanism. But Andi has been consigned to a Tampa nursing home, where, the mother said, he "receives no physical therapy, occupational therapy, speech therapy or other needed therapies for his improvement and quality of life." At home, said she, he'd benefit from "the extra attention, care and love he can't get at a nursing home."

She badly wants him home with his family. Which is exactly what the law prescribes. But the state won't pay for the level of in-home treatment needed to keep the child alive. Here in the new Florida, the problem's pretty obvious: None of the lobbyists who run Tallahassee give a damn about little Andi.